



Janice K. Brewer
Governor

State Of Arizona Board of Podiatry Examiners

"Protecting the Public's Health"

1400 W. Washington, Ste. 230, Phoenix, AZ 85007; (602) 542-3095; Fax: 542-3093

Barry Kaplan, DPM; Joseph Leonetti, DPM; Barbara Campbell, DPM;
M. Elizabeth Miles, Public Member; John Rhodes, Public Member; Sarah Penttinen, Executive Director

NOTICE OF BOARD MEETING AND AGENDA

March 12, 2014; 8:30 a.m.
1400 West Washington St., B1
Phoenix, AZ 85007

Notice is hereby given to the general public and to the members of the State of Arizona Board of Podiatry Examiners (Board), that the Board will hold a regular meeting open to the public at the Board's offices located at 1400 W. Washington, Phoenix, Arizona. A.R.S. § 38-431.02. The Board, upon a majority vote of a quorum of the members, may hold an *Executive Session* on any of the listed agenda items, **I through X**, to discuss or consider records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law, or to obtain legal advice. A.R.S. § 38-431.03(A) (2) and (3). Those wishing to address the Board do not need to request permission in advance; however, the Board may limit those persons speaking during the "Call to the Public" at three (3) per side on any one issue. A.R.S. § 38-431.01(G). The Board can only take action on matters listed on the agenda and other matters related thereto. A.R.S. § 38-431.02(H). If appropriate, actions on public comment matters that are not listed on the agenda will be limited to directing staff to study the matter or schedule the matter for further discussion at a later date. A.R.S. § 38-431.01(H).

The Board reserves the right to change the order of items on the agenda, except for matters set for a specific time. The President of the Board reserves the right to call cases in random order. Please note that the recommendations listed on the agenda are merely suggested Board actions. These recommendations do not become final until adopted by the Board. The Board has the authority to accept, reject or modify any recommendation listed in the agenda.

Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations by contacting Executive Director Sarah Penttinen at (602) 542-3095. Requests should be made as early as possible to allow time to arrange the accommodation.

Board Members: Barbara Campbell, D.P.M, President
Barry Kaplan, D.P.M., Member
Joseph Leonetti, D.P.M., Member
John Rhodes, Secretary-Treasurer
M. Elizabeth Miles, Public Member

Staff: Sarah Penttinen, Executive Director

Assistant Attorney General: John Tellier

The Agenda for the meeting is as follows:

I. Call to Order

II. Roll Call

III. Approval of Minutes

- a. February 12, 2014 Regular Session Minutes.
- b. February 12, 2014 Executive Session Minutes.

IV. Review, Discussion and Possible Action –Review of Complaints (NOTE: The subject matter listed for each agenda item represents the allegation(s) being investigated. The presence of allegations does not automatically indicate violation of Statute or Rule in connection with the practice of podiatry.)

- a. 09-20-C and 11-01-C – Kevin O'Brien, DPM: Review of proposed consent agreement and request from Dr. O'Brien's attorney to modify Conclusions of Law.
- b. 11-30-B – Kevin O'Brien, DPM: Improper billing.
- c. 11-39-M – Kevin O'Brien, DPM: Practice below the standard of care for improper surgical correction of ankle fracture.
- d. 12-01-C – Steven Born, DPM: Insurance fraud for billing for orthotics; improper use of billing codes / insufficient documentation to support billing codes. (Review of proposed consent agreement terms.)

- e. 12-10-C – Cathleen McCarthy, DPM: Charging an excessive fee.
- f. 12-22-C – Kevin O'Brien, DPM: Practice below standard of care for improper surgery; improper treatment of post-operative infection; failure to maintain adequate records/loss of pre-operative x-rays.
- g. 12-24-C – William Leonetti, DPM: Making false statements in regard to patient's history; making false statements in regard to patient's physical evaluation; making false statements in regard to patient's chief complaint; making false statements in regard to patient's assessment; making false statements in regard to patient's discussion; Deliberately constructing confusion of patient's chronologically ordered physicians list in an attempt to conceal factually accurate medical information in history of injury; conceals and/or omits factually accurate medical information in regard to patient's history of injury; conceals and/or omits factually accurate medical information in regard to patient's discussion; conceals and/or omits factually accurate medical information in regard to patient's chief complaint; conceals and/or omits factually accurate medical information in regard to patient's physical evaluation; conceals and/or omits factually accurate medical information in regard to patient's assessment; presents patient with a below standard of care recommendation for improper surgery.
- h. 12-26-C – Peter Myskiw, DPM: Improper billing.

V. Review, Discussion and Possible Action – Probation / Disciplinary Matters

- a. 09-17-B – J. David Brown, DPM: Monthly update.
- b. 11-09-M – Kelvin Crezee, DPM: Monthly update.
- c. 13-05-B – Kathleen Stone, DPM: Monthly update.

VI. Review, Discussion and Possible Action on Administrative Matters.

- a. Request from Marcus Yetter, DPM regarding oral examination.
- b. Review of information regarding “medical nail technicians.”
- c. Responsibilities / duties of investigative consultants.
- d. Review of new license applications for:
 - i. Maria Buitrago, DPM (Reinstatement)
 - ii. David Ellsworth, DPM
 - iii. Jason Kayce, DPM
 - iv. Brandon Mecham, DPM.
- e. Malpractice case report. (None at this time.)

VII. Executive Director's Report – Review, Discussion and Possible Action

- a. Open complaint status report.

VIII. Call To The Public

Those wishing to address the Board do not need to request permission in advance; however, the Board may limit those persons speaking during this time to a reasonable number on any given public matter. In addition, each person wishing to address the Board will be given five (5) minutes to do so. Pursuant to A.R.S. § 38-431.01(H), the Board can only take action on matters listed on the agenda. Action on public comment matters that are not listed on the agenda will be limited to directing staff to study the matter or to schedule the matter for further discussion at a later date.

IX. Next Board Meeting Date:

- a. April 9, 2014 at 8:30 a.m.

X. Adjournment